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# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in the envelope addressed to: Commissioner of Patents, Alexandria, VA 22313-1450, on

12-14-04

(Date of Deposit)

Attorney or Agent

27,922

Reg. No.

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

### Application of

Applicant : Venkatesh, et al.  
Serial No. : 10/658,078  
Filed : September 9, 2003  
Title : EXTENDED RELEASE SYSTEMS FOR MACROLIDE ANTIBIOTICS  
Docket No. : 451194-092

Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

### INDICATION OF PATENT PRACTITIONERS TO BE RECOGNIZED

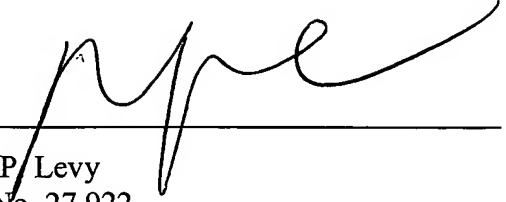
It is noted that the original Declaration and Power of Attorney (copy enclosed) lists eleven patent practitioners. In order to comply with 37 C.F.R. §1.32(c), it is hereby indicated that only the following ten practitioners are to be recognized by the Office as being practitioners of record in this application:

Mark P. Levy	Reg. No. 27,922
Theodore D. Lienesch	Reg. No. 28,235
Douglas E. Erickson	Reg. No. 29,530
Michael J. Nieberding	Reg. No. 39,316
Steven J. Elleman	Reg. No. 41,733
John F. Kane	Reg. No. 44,815
Jeffrey C. Metzcar	Reg. No. 52,027
Rose Ann Dabek	Reg. No. 28,064
Rodney M. Young	Reg. No. 40,882
Victor J. Wasylyna	Reg. No. 52,345

Serial No.: 10/658,078  
Attorney Docket No.: 451194-092  
Indication of Patent Practitioners To Be Recognized

Confirmation of these attorneys being of record in this application is requested in the form of a corrected Filing Receipt.

Date: \_\_\_\_\_

  
\_\_\_\_\_  
Mark P. Levy  
Reg. No. 27,922

THOMPSON HINE LLP  
2000 Courthouse Plaza NE  
P. O. Box 8801  
Dayton, Ohio 45401-8801  
(937) 443-6949



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

CUSTOMER NO. 27805

Applicant(s) : Venkatesh et al.  
Serial No. : 10/658,078  
Filed : September 9, 2003  
Title : EXTENDED RELEASE SYSTEMS FOR MACROLIDE ANTIBIOTICS  
Docket No. : 451194-092

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

**POWER OF ATTORNEY**

All right, title, and interest in the above-identified patent application has been assigned to Eurand, Inc., from the inventors, Gopi M. Venkatesh; Nehal H. Vyas; and Kenny Kangyi Qian, by the Assignment filed in the above-identified application (a copy of which is attached hereto).

The undersigned, as President of Eurand, Inc., has reviewed the evidentiary documents for the above-identified patent application and hereby certifies that to the best of his knowledge and belief, all right, title, and interest in and to the above-identified application is in the name of Eurand, Inc., the party seeking to take this action.

On behalf of Assignee and owner of the above-identified U.S. patent application, by assignment, Eurand, Inc. hereby appoints:

Mark P. Levy	Reg. No. 27,922
Theodore D. Lienesch	Reg. No. 28,235
Douglas E. Erickson	Reg. No. 29,530
Michael J. Nieberding	Reg. No. 39,316
Steven J. Elleman	Reg. No. 41,733
John F. Kane	Reg. No. 44,815
Michael A. Forhan	Reg. No. 46,706
Jeffrey C. Metzcar	Reg. No. 52,027
Rose Ann Dabek	Reg. No. 28,064
Rodney M. Young	Reg. No. 40,882
Victor J. Wasylyna	Reg. No. 52,345

as its attorneys with full power of substitution and revocation, to transact all business in the U.S. Patent and Trademark Office connected therewith.


Address all correspondence and telephone calls to:

Mark P. Levy, Esq.  
Thompson Hine, LLP  
2000 Courthouse Plaza NE  
10 W. Second Street  
Dayton, Ohio 45402-1758  
Telephone: (937) 443-6949  
Facsimile: (937) 443-6635

I, John Fraher, declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**Eurand, Inc.**

Date: 7/23/04

By:   
John Fraher  
Title: **President**

303919

## ASSIGNMENT

WHEREAS, Gopi M. Venkatesh, of the City of Vandalia, County of Montgomery and State of Ohio; Nehal H. Vyas, of the City of Vandalia, County of Montgomery and State of Ohio and Ken Kangyi Qian, of the City of Beavercreek, County of Greene and State of Ohio, invented certain new and useful **EXTENDED RELEASE SYSTEMS FOR MACROLIDE ANTIBIOTICS** (Docket No. 451194-092) for which I/we executed an application for letters patent of the United States;

AND WHEREAS, Eurand, Inc. a corporation organized under the laws of Nevada with a place of business at 845 Center Drive, Vandalia, Ohio 45377 hereinafter called the Assignee, is desirous of acquiring the entire right, title and interest in and to said application and the inventions therein disclosed and any letters patent that may issue thereon;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt whereof is hereby acknowledged, I/we hereby sell, assign and transfer unto said Assignee, its successors and assigns, the entire right, title and interest in and to said application, any application claiming priority therefrom, any non-provisionals, divisions or continuations thereof, and the inventions therein disclosed, and any improvements thereon, and any patent or patents that may be issued or reissued thereon, and I/we hereby authorize and request the Commissioner of Patents and Trademarks to issue any letters patent thereon, and reissues thereof, to said Assignee, its successors and assigns; and I/we hereby authorize said Assignee, its successors and assigns, to file in its own name applications for patent in foreign countries in connection with the inventions hereby transferred, under the International Convention claiming the priority of said United States application or otherwise, and to secure in its own name the patent or patents issued thereon; and I/we hereby agree that, upon request, I/we will sign all papers, and make all rightful oaths, and do all acts which said Assignee, its successors or assigns, may consider necessary in connection with said United States application, and in connection with any other United States or foreign applications that may be filed in connection with said inventions, and with any improvements thereon, and in connection with any patents issued or reissued thereon.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day of August, 2003.

Gopi M. Venkatesh  
Gopi M. Venkatesh

STATE OF Ohio, )  
COUNTY OF Montgomery



On this 28 day of August, 2003, before me a Notary Public in and for the above County and State, personally appeared the above named, Gopi M. Venkatesh personally known to me, and acknowledged the execution of the foregoing assignment as a free act and deed for the purpose herein set forth.

Paula Eichman

PAULA EICHMAN, Notary Public  
In and for the State of Ohio  
My Commission Expires Nov. 28, 2004

**Assignment**

Docket No. 451194-092-P

Serial No.

**BEST AVAILABLE COPY**

Notary Public

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day of August, 2003.

Nehal H. Vyas  
Nehal H. Vyas

STATE OF Ohio,

COUNTY OF Montgomery<sup>SS</sup>



On this 28 day of August, 2003, before me a Notary Public in and for the above County and State, personally appeared the above named, **Nehal H. Vyas** personally known to me, and acknowledged the execution of the foregoing assignment as a free act and deed for the purpose herein set forth.

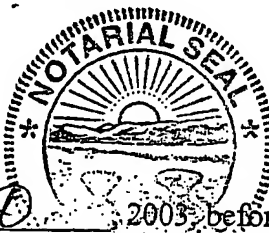
Paula Eichman  
Notary Public PAULA EICHMAN, Notary Public  
In and for the State of Ohio

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day of August, 2003.

Ken Kangyi Qian  
Ken Kangyi Qian

STATE OF Ohio,

COUNTY OF Montgomery<sup>SS</sup>



On this 28 day of August, 2003, before me a Notary Public in and for the above County and State, personally appeared the above named, **Ken Kangyi Qian** personally known to me, and acknowledged the execution of the foregoing assignment as a free act and deed for the purpose herein set forth.

Paula Eichman  
Notary Public

PAULA EICHMAN, Notary Public  
In and for the State of Ohio  
My Commission Expires Nov. 28, 2004

PLEASE STAMP OR OTHERWISE INDICATE DATE OF  
RECEIPT OF ACCOMPANYING PAPERS  
AND RETURN TO US

Papers Power of Attorney

Inventor(s) Venkatesh, et al.

Title EXTENDED RELEASE SYSTEMS FOR MACROLIDE ANTIBIOTICS

Serial No. 10/658,078

Docket No. 451194-092

Date Due \_\_\_\_\_

Client Name Eurand, Inc.

MPL/JKW